

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**IN RE CAPACITORS ANTITRUST
LITIGATION**

) MDL No. 2801

) Master File No.: 3:17-md-02801-JD

This Document Relates to:

Case Nos.: 3:14-cv-03264-JD,
3:17-cv-03472-JD,
3:17-cv-07046-JD,
3:17-cv-07047-JD,
3:18-cv-02657-JD.

) **DECLARATION OF JUSTIN A.
COHEN IN SUPPORT OF CERTAIN
DEFENDANTS' NOTICE OF
MOTION AND MOTION TO
EXCLUDE TESTIMONY OF DR.
LESLIE M. MARX**

1 I, Justin A. Cohen, declare as follows:

2 1. I am an attorney at Wilson Sonsini Goodrich & Rosati, P.C. and am counsel for
3 Defendants Hitachi Chemical Co., Ltd., Hitachi Chemical Co. America, Ltd. and Hitachi AIC Inc.
4 (“Hitachi Chemical”) in the above-captioned litigation.

5 2. I am a member in good standing of the Bar of the State of New York and have been
6 admitted *pro hac vice* in the above-captioned litigation. I am over 21 years of age and am not a
7 party to this action.

8 3. This Declaration is based on personal knowledge, and if called to testify, I could and
9 would do so competently as to the matters set forth herein. I submit this Declaration in support of
10 Certain Defendants’ Motion to Exclude Testimony of Dr. Leslie M. Marx.

11 4. Attached as **Exhibit A** is the Expert Report of Dr. Leslie M. Marx, dated November
12 30, 2018. This document is marked “Confidential – Attorneys’ Eyes Only” under the Stipulated
13 Protective Order, so it is filed under seal in its entirety.

14 5. Attached as **Exhibit B** are excerpts from the Deposition Transcript of Dr. Leslie M.
15 Marx, dated May 15, 2019. This transcript has been designated as “Confidential – Attorneys’ Eyes
16 Only” under the Stipulated Protective Order, so it is filed under seal in its entirety.

17 6. Attached as **Exhibit C** is an excerpt from the Deposition Transcript of Dr. Frederick
18 R. Warren-Boulton, dated June 4, 2019.

19 7. Attached as **Exhibit D** is the Expert Reply Report of Dr. Leslie M. Marx, dated
20 April 19, 2019. This document is marked “Confidential – Attorneys’ Eyes Only” under the
21 Stipulated Protective Order, so it is filed under seal in its entirety.

22 8. Attached as **Exhibit E** is an excerpt from the Deposition Transcript of Dr. Laila
23 Haider, dated May 9, 2019. This transcript has been designated as “Confidential – Attorneys’ Eyes
24 Only” under the Stipulated Protective Order, so it is filed under seal in its entirety.

25 9. Attached as **Exhibit F** is a document produced by the Rubycon Defendants and
26 labeled RUB_000005690. This document is marked “Confidential” under the Stipulated Protective
27 Order, so it is filed under seal in its entirety.

